

REMARKS

In the restriction requirement, the Examiner argues:

With the amendment of 02/27/2008 and addition of new claims 21-32, this application contains claims directed to the following patentably distinct species:

Embodiment 1 of Figures 4A-4C  
Embodiment 2 of Figures 6A-6D  
Embodiment 3<sup>1</sup> of Figures 7A-7D

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held allowable. Currently, no claims are generic. (Office Action Page 2 lines 3-13).

Applicants make a provisional election of Embodiment 1 of Figures 4A-4C with traverse.

Applicants respectfully disagree with the Examiner's argument that "Currently, no claims are generic". Regarding Claim 1, Claim 1 recites:

A chip for a chip-containing portable article comprising:

a silicon substrate layer having an active face with circuits  
integrated therein defining a central processing unit and memories:  
and

an additional layer of silicon that:

is sealed to the active face of the silicon substrate layer by a  
sealing layer;

covers at least part of said active face; and

comprises physical means for providing protection against the action of

electromagnetic radiation in the infrared range at a wavelength longer than  
1  $\mu\text{m}$ .

---

<sup>1</sup> Office action reads "Embodiment 2 of Figures 7A-7D" however Applicant assumes this is a typographical error and should in fact read Embodiment 3.

Claim 20 recites similar limitations.

Claims 1 and 20 both do not contain any limitations specific to any embodiment of the present invention. Therefore, Claims 1 and 20 are in fact generic. Accordingly, Applicants respectfully disagree with the Examiner's contention that no claim is generic.

In addition to generic claims 1 and 20, Claims 5-7, 12, 13, 21-23, 26 – 28, and 29 are the claims encompassing the elected species.

Applicants traverse the rejection on the grounds that claims 1 and 20 are generic claims link all species claimed in the application and that there would not be an additional search burden on the Examiner. A search of the claimed invention would reveal prior art references that are relevant to the generic claims. When a generic claim links the species, applicants are entitled to claim a reasonable number species of the invention. 37 CFR 1.141. Here, there are only an assertion of three species. Applicants contend that to be well within the limit of "reasonable number of species of the invention."

A search of the dependent claims would reveal references that are relevant to the other species described and claimed.

While Applicants do not assert that the species are obvious variants of one another, the variations are sufficiently close to one another that the examination burden for the additional species is minute.

For the foregoing reasons, Applicants traverse the restriction requirement and respectfully request lifting of the requirement, examination of all the claims in the application, and their early allowance.

The Examiner is invited to contact the undersigned with any issues that may advance prosecution of the application on the merits.

Respectfully submitted,

Date: June 30, 2008

/Pehr Jansson/  
Pehr Jansson

Application #: 09/807,686  
Election Dated: June 30, 2008

Registration No. 35,759

The Jansson Firm  
9501 North Capital of Texas Highway #202  
Austin, TX 78759  
512-372-8440 Phone  
512-597-0639 Fax  
[pehr@thejanssonfirm.com](mailto:pehr@thejanssonfirm.com)